

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRADFORD JOHNSON,  
Plaintiff

v.

SGT. JOSE RODRIGUEZ, OFFICER  
ELLING, OFFICER JACKSON AND  
SGT. STEWART,  
Defendants

NO. 1:00-CV-00675

Notice of Filing Exhibits  
Inadvertantly Omitted From Complaint

MARY E. D'ANGELO

Per

FILE  
HARRISBURG

AUG 2

NOW COMES, plaintiff, and files the attached exhibits which are described in, but which were inadvertently omitted from his complaint.

Appendix "A", consisting of Misconduct Report, DC-141, dated 2/29/00.

Appendix "B", consisting of Disciplinary Hearing Report Part II B, dated 3/3/00.

Appendix "C", consisting of Inmates Request To Staff Meeting DC-135A, dated 9/24/99 to Mr. Whitman, and 9/24/99, 10/10/99 and 10/24/99 to Lt. Kushwara.

Appendix "D", consisting of Official Inmate Grievance I Review response, DC-804, Part II, dated 10/4/99.

Appendix "E", consisting of Official Appeal Response from Superintendent Meyers.

Appendix "F", consisting of Final Review- Grievance #0588-99 with attached appeal to Central Office at Camp Hill.

*Bradford Johnson DP-2967*  
Bradford Johnson, DP-2967  
Box A - SCI @ Rockview  
Bellefonte, PA 16823-0820

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRADFORD JOHNSON,  
Plaintiff

NO. 1: 00-CV-00675


v.

SGT. JOSE RODRIGUEZ, OFFICER  
ELLING, OFFICER JACKSON AND  
SGT. STEWART,  
Defendants

CERTIFICATE OF SERVICE

I, Bradford Johnson, Plaintiff Pro Se, hereby certify that on  
August 22nd 2000, I caused to be served a true and correct copy of  
this document by service of First Class Mail, to the following person(s):

R. Douglas Sherman, Esq.  
OFFICE OF THE ATTORNEY GENERAL  
Strawberry Square  
Harrisburg, PA 17120

  
Bradford Johnson, DP2967  
Box A - SCI @ Rockview  
Bellefonte, PA 16823-0820

8-22-2000  
DATE

FORM DC-141 Rev. 6-94		PART I		COMMONWEALTH OF PENNSYLVANIA		216409	
<input checked="" type="checkbox"/> MISCONDUCT REPORT		<input type="checkbox"/> OTHER		DEPARTMENT OF CORRECTIONS			
DC Number DP2967	Name BRADFORD JOHNSON	Institution SCIR	Incident Time 24 Hr. Base 1100	Incident Date 2-29-2000	Date of Report 2-29-2000		
Quarters BA	Place of Incident BA Block BACK RANGE TOP TIER						
UNASS OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)							
DC Number	Name	I	W	DC Number	Name	I	W
	COL. ORR	✓					
MISCONDUCT CHARGE OR OTHER ACTION CLASS I CATEGORY B #7 REFUSING TO OBEY AN ORDER, CLASS I CATEGORY D #27 PRESENCE IN AN UNAUTHORIZED AREA							
STAFF MEMBER'S VERSION AT APPROX 1015 INMATE DP2967 WAS ON THE TOP TIER A FEW DOORS UP FROM HIS CELL PREACHING AND TALKING LOUDLY TO ANOTHER INMATE ACROSS THE TIER. MYSELF AND COL ORR WALKED DOWN TO THEM AND I TOLD THEM TO TAKE IT IN TO THEIR CELL. BOTH INMATES DID. ABOUT 1 MINUTE LATER DP2967 CAME OUT OF HIS CELL AND WAS HEADED TO THE OFFICE. I ASKED WHERE HE WAS GOING AND HE SAID "TO GET A REQUEST SLIP." "IS THAT ALLRIGHT WITH YOU?" I STATED "NO, TAKE IT IN YOUR CELL." AT APPROX 1050 I OBSERVED INMATE JOHNSON COME OUT OF HIS CELL AND HEADED TOWARDS THE OFFICE. I FOLLOWED HIM UP TO THE OFFICE AND ASKED "WHAT ARE YOU DOING OUT OF YOUR CELL." HE SAID PICKING UP GRIEVANCE FORMS. I THEN TOLD HIM TO TAKE IT INTO HIS CELL AGAIN. UPON LOOKING AT HIS BLOCK CARD, DP2967 WAS CARDDED 8-11-99, 1-21-200, 1-22-2000 AND TODAY.							
IMMEDIATE ACTION TAKEN AND REASON							
APPENDIX (A) None							
PRE-HEARING CONFINEMENT							
IF YES							
<input type="checkbox"/> YES	TIME	DATE					
<input checked="" type="checkbox"/> NO							
REPORTING STAFF MEMBER SIGNATURE AND TITLE		ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY		FORMS GIVEN TO INMATE <input checked="" type="checkbox"/> REQUEST FOR WITNESSES AND REPRESENTATION		<input checked="" type="checkbox"/> INMATE'S VERSION	
COL Joseph H. [Signature]		2 [Signature] COLT		DATE AND TIME INMATE GIVEN COPY		DATE TIME 24 HOUR BASE	
				2-29-00		1330	
YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER DATE TIME				Misconduct Category		Signature of Person Serving Notice	
3-1-00 1335				<input checked="" type="checkbox"/> CLASS I <input type="checkbox"/> CLASS 2		Sgt [Signature] McCahan	
NOTICE TO INMATE							
You are scheduled for a hearing on this allegation on the date and the time indicated or as soon thereafter as possible. You may remain silent, if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class I misconduct, any pre-release status you have will be revoked.							

DC-141 Rev. 6-84 DISCIPLINARY HEARING REPORT		PART II B COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS			
DC Number DP2967	Name Bradford Johnson	Institution SCIR	Hearing Date 3/03/00	Hearing Time 0825	No. from Part I A216409
INMATE PLEA	<input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> No Plea <input type="checkbox"/> Other	Verdict	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	
HEARING ACTION					
CHARGES Class I-B, #7 Refusing to obey an order Class I-D, #27 Presence in an unauthorized area					
FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED					
<p>PLEADS - NOT GUILTY</p> <p>I was on my crew for 35 months. DENIES THAT HE WAS ON THE TOUR PARACHUTE. WAS NEVER STOPPED FROM CO ORR &amp; IN INMATE. I FOUND THE CO'S ORDERS. LEFT LOBBY AT 1013 WENT ON BLOCK AT 1013 (SUBMIT PASS)</p> <p>TAMMAMORE - JOHNSON &amp; I BOTH ON TOUR FROM CO ORR I WAS ATTEMPTING TO GET A PASS FROM CO ORR. CO JOSEPH CAN BY &amp; GAVE US AN ORDER TO GO IN WE DID.</p> <p>THAT EXAMINER BELIEVES CO JOSEPH'S CREDIBLE REPORT OVER THE DENIAL OF DP2967 JOHNSON &amp; HOSWORTH THAT JOHNSON WAS LOITERING ON THE TOUR PARACHUTE ACROSS THE TERRAS. THE CO REPORTS THE TIME AS 1015 HOURS. JOHNSON AVOIDS HE WAS NOT ON THE UNIT AT 1015 AS HE HAD LEFT THE LOBBY AT</p>					
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> NO <input type="checkbox"/> NO <input type="checkbox"/> NO <input type="checkbox"/> NO	The inmate has heard the decision and has been told the reason for it and what will happen. The circumstances of the charge have been read and fully explained to the inmate. The opportunity to have the inmate's version reported as part of the record was given. The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.		SEE APPENDICES <input checked="" type="checkbox"/>	
NAME(S) OF HEARING EXAMINER/COMMITTEE (TYPED OR PRINTED)		Hearing Report and all appended information must be signed. Signature indicates finished report with appendices.			
C. Mitchell		C. No. APPENDIX (B) - 3 PARTS SIGNATURE OF HEARING EXAMINER/COORDINATOR			

DC-141 Rev. 6-84		PART II B		COMMONWEALTH OF PENNSYLVANIA	
DISCIPLINARY HEARING REPORT		DEPARTMENT OF CORRECTIONS			
DC Number <b>OP2967</b>	Name <b>BRADEN JOHNSON</b>	Institution <b>STR</b>	Hearing Date <b>03-03-00</b>	Hearing Time <b>0825</b>	
INMATE PLEA	<input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> No Plea <input type="checkbox"/> Other	Verdict <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty		
CHARGES <b>7.27</b>		HEARING ACTION			

FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED

1013. HEY NOTES TOMES ARE "APPROXIMATE" E  
TOME PERK TO DEFENDANT & TOMES (ON WAY FIRST  
STREET'S TO MOTHER'S. JOHNSON ADMITS THE CO GAVE  
ORDER SO JOHNSON WAS ON THE UNIT. HEY DOES  
BELIEVE THAT CO JOSEPH WOULD ORDER A INMATE  
HOS CREW, LATER THAT INMATE WAS CONVERSE WITH S  
MORE LONG THAN NOT JOHNSON WAS LATER. FURTHER JOH  
CLAIMS 1 MONTH AFTER THE CO ORDERED HIM TO HIS CREW  
THAT YARD WAS COMING IN & HE CAME OUT TO GET A R  
SLOP". HEY NOTES JOHNSON HAD MORE THAN AMPLE O  
TO STOP AN GIVE REQUEST SLOPS UPON RETURN FROM T  
LIBRARY. CLEAR JOHNSON DID NOT LEAVE BECAUSE ORDER TO IT

☒ YES ☐ NO  
☒ YES ☐ NO  
☒ YES ☐ NO  
☒ YES ☐ NO

Control

The inmate has heard the decision and has been told the reason for it and what will happen.  
 The circumstances of the charge have been read and fully explained to the inmate.  
 The opportunity to have the inmate's version reported as part of the record was given.  
 The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.

SEE APPENDICES  
☐

NAME(S) OF HEARING EXAMINER/COMMITTEE  
 (TYPED OR PRINTED)

CHARLES M. H. H.

APPENDIX (B) 3-PARTS  
 Hearing Report and all appended information indicates finished report



DC-141 Rev. 6-84		PART II B		COMMONWEALTH OF PENNSYLVANIA			
DISCIPLINARY HEARING REPORT		DEPARTMENT OF CORRECTIONS					
DC Number <b>DP2967</b>	Name <b>JOHNSON BARNARD</b>	Institution <b>SCM</b>	Hearing Date <b>03-03-00</b>	Hearing Time <b>0825</b>	No. from Part I <b>A216409</b>		
INMATE PLEA	<input checked="" type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> No Plea <input type="checkbox"/> Other	Verdict	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty			
HEARING ACTION							
CHARGES <b>7.27 (COMMON) PC3</b>							
FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED							
<p><b>I CAME BACK OUT IN VIOLATION OF THE ORDER, ONLY TO BE ORDERED A SEWED TOWEL TO HIS CELL. JOHNSON MAY NOT FEED HIS CELL ANY MORE HE CHOOSES TO GET PAPER AT HIS WITNESS. FURTHER JOHNSON IS RESPONSIBLE FOR SECURE HIS DOOR UPON ENTRY INTO THE CELL.</b></p>							
<p><b>CELL RESTRICTION:</b> Total confinement to general population cell, dorm area or cubicle except for meals, showers, one (1) formal religious service per week, commissary, law library (under separate instructions) and one (1) hour exercise as per unit schedule. Medication and doctor lines, meals showers and commissary shall be by block schedules. Participation in programs, school and work are suspended. Telephone privileges area restricted. Hearing Examiner refers cell restriction inmate to his housing officer for any necessary clarification.</p>							
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<p>The inmate has heard the decision and has been told the reason for it and what will happen.</p> <p>The circumstances of the charge have been read and fully explained to the inmate.</p> <p>The opportunity to have the inmate's version reported as part of the record was given.</p> <p>The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.</p>			<p>SEE APPENDICES <input type="checkbox"/></p>		

NAME(S) OF HEARING EXAMINER/COMMITTEE  
(TYPED OR PRINTED)

**CHARLES MORGAN**

Hearing Report and all appended information must be signed. Signature indicates finished report with appendices.

**CR**

**Guilty 7.27**  
**30 DAYS CELL RESTRICTION**  
**REF 3-03-00**  
**GUARDIAN BARNARD**

DC-135A

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS

## INMATE'S REQUEST TO STAFF MEMBER

## INSTRUCTIONS

"Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently."

1. TO: (NAME AND TITLE OF OFFICER)

2. DATE

3. BY: (INSTITUTIONAL NAME AND NUMBER)

4. COUNSELOR'S NAME

5. WORK ASSIGNMENT

6. QUARTERS ASSIGNMENT

7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

Mr. Whitman, a few months ago I talked to you about the fact that this block B1, has been designated as a crim-smoking block, since our original conversation the situation on this block has escalated, not just inmates but officers too. There are signs posted that say this is a crim-smoking block yet it's not enforced. I have filed a grievance on this matter and I informed Mr. Kushnir about my health. I have a collapsed bronchial pleura which surrounds my lung. I'm not a teen-ager who easily recovers from health problems. It does me all these unnecessary things which are not posted, are enforced.

8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

Mr. Johnson: I believe this matter will improve & be fully addressed when Mr. Kewell takes over the U.M. 103 in B/Block. & especially in B/A. I will inform him of this in the near time. I hope he is reassigned by Oct 4, 1999. There should be no smoking in B/A & I will also contact other staff on this matter.

☐ TO DC-14 CAR ONLY☐ TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER

DATE



DC-135A

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS

## INMATE'S REQUEST TO STAFF MEMBER

## INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

1. TO: (NAME AND TITLE OF OFFICER)

Kushwara - Lt

2. DATE

9-27-99

3. BY: (INSTITUTIONAL NAME AND NUMBER)

Bradford Johnson OP-2967

4. COUNSELOR'S NAME

D. Palmer

5. WORK ASSIGNMENT

None

6. QUARTERS ASSIGNMENT

BA

7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

Lt-Kushwara, I have already written a grievance on this matter, grievance # ROC 0588-99, and it seems quite obvious to me that there is going to be nothing done about the issue in question, due to the fact that the officers smoke on a non-smoking block. I am not the one who designated this block as non-smoking the administration has, and my health is all I have in line along with my word, and Mrs. Kushwara I promise you this, I am sending a copy of the grievance to my lawyer and I'm sending a request to Mrs. Whitman, then to the Warden, since your officers cannot enforce your own rules, let's see what a lawyer can do!

8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

Good for,

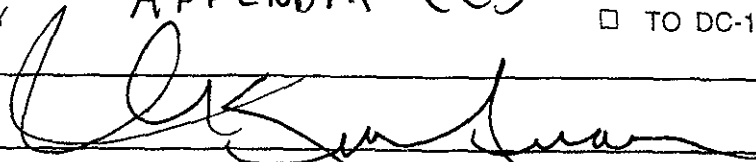
I am sending a copy of this to Percy Unit Counselor, Mr. Talk with him. I am sure he will take care of this.

☐ TO DC-14 CAR ONLY

APPENDIX (C) 5-PARTS

☐ TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER



DATE

9-17-99

DC-135A

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS

## INMATE'S REQUEST TO STAFF MEMBER

## INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

1. TO: (NAME AND TITLE OF OFFICER)

2. DATE

3. BY: (INSTITUTIONAL NAME AND NUMBER)

4. COUNSELOR'S NAME

5. WORK ASSIGNMENT

6. QUARTERS ASSIGNMENT

7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

To Kushwara, you are telling me that nothing can and is going to be done because of your lack of knowledge as to what goes on, on B1/B2s, because of in fact, you or the staff know what is going on on B1/B2s you would correct (your) officers who in fact are part of the problem, they too smoke on the block, behind the desk and are not enforcing the law pertaining to the prohibition of the smoking as I have informed Mr. Robert Myers the Superintendent of this institution, your attempt at poorly explaining the lack instn. performance of your officers just isn't sufficient. This matter is not resolved.

8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

Response,  
Talk with Mr. Allen and give him  
Specimen on Time, Date, Staff etc

☐ TO DC-14 CAR ONLY☐ TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER

DATE

DC-135A

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS

## INMATE'S REQUEST TO STAFF MEMBER

## INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

1. TO: (NAME AND TITLE OF OFFICER)

2. DATE

3. BY: (INSTITUTIONAL NAME AND NUMBER)

4. COUNSELOR'S NAME

5. WORK ASSIGNMENT

6. QUARTERS ASSIGNMENT

7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

Sgt, you keep telling me about these officers on B-block south correcting the smoking problem, how in fact can a part of the problem correct the problem, case in point, the block sots smoke at their desk what makes them any different, no smoking means no smoking that includes Sgt Henry, Sgt Rodriguez and Sgt Stewart, Sgt Henry thinks this really doesn't apply to him, what is it that you Sgt Bushwara don't understand when I inform you that the problem of smoking on a non-smoking block has gotten completely out of control

8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

Bradford,

This should not happen.  
Mr Kenstetter, I'm sure, will  
get it stopped. I am  
sending him a copy of  
this. Please talk with them.

☐ TO DC-14 CAR ONLY☐ TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER

DATE

10-12-99

DC-804

PART II

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001

OFFICIAL INMATE GRIEVANCE  
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

#ROC0588-99

TO: (Name & DC NO.)	INSTITUTION	QUARTERS	GRIEVANCE DATE
Bradford Johnson, DP-2967	SCIR	Bldg B/A	09/19/99 Received 09/22/99

The following is a summary of my findings regarding your grievance:

This complaint has been reviewed with Mr. Allar, Unit Manager, who read your grievance carefully and noted while you make a broad, sweeping accusation that smoking is being permitted on Building B/A (a non-smoking block) you provide no specific data regarding dates, times, staff on duty or who is allowing this. Consequently, he is returning this grievance as being impossible to investigate without further specific data.

Secondly, Mr. Allar encourages you to bring the alleged smoking to the attention of the Unit Staff on duty so they can properly deal with it, if in fact, inmates are smoking in the non-smoking unit. Writing to Deputy Whitman is inappropriate and non effective since he does not work on the block, communicating with the Building B/A Unit Officers on duty is the best way to handle this.

VWK:tlk

c: Deputy Wakefield  
Deputy Whitman  
Mr. Allar  
Case Record  
Mr. Kushwara

APPENDIX (D)

Vincent W. Kushwara  
Acting Corr. Superintendent Asst.

Refer to DC-ADM 804, Section VIII,  
for instructions on grievance  
system appeal procedures.

SIGNATURE OF GRIEVANCE COORDINATOR

DATE

10-4-99

SCI-ROCKVIEW  
INMATE GRIEVANCE  
Administrative Action

Date 10-12-99

TO: BRADFORD JOHNSON  
DP-2967 B/A

RE: Grievance No.: ROC 0588-99

Dated 9-19-99

The Institutional Grievance Coordinator has responded to your grievance, cited above, under the date of 10-4-99. The stipulated period for filing objections or appeals having expired, and none such having been received, this is to notify you that the findings, reply, and recommendations of the Grievance Coordinator are upheld.

  
Superintendent  
SCI-Rockview

cc: Grievance Coordinator

APPENDIX (e)

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
1451 N. MARKET STREET  
ELIZABETHTOWN, PA 17022

OFFICE OF THE  
CHIEF HEARING EXAMINER

October 21, 1999

Bradford Johnson, DP-2967  
SCI Rockview

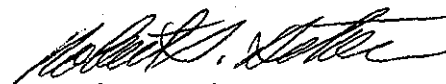
Re: DC-ADM 801 - Final Review  
Grievance No. ROC-0588-99

Dear Mr. Johnson:

Your appeal of the above-referenced grievance has been received by this office for review. However, our inquiry into this matter reveals that you have not yet appealed to the Superintendent of your institution as required by DC-ADM 804, VI D, 2. Until this appeal is completed, final review cannot be granted. Upon receiving the response from your appeal to the Superintendent, you may once again submit a timely written appeal for final review.

This response does not grant you a right to an appeal if it would otherwise be untimely to pursue that appeal. However, in evaluating the timeliness of any appeal you submit, the time consumed by erroneously directing your appeal to this office may be disregarded at the discretion of the recipient of your next appeal.

Sincerely,



Robert S. Bitner  
Chief Hearing Examiner

RSB:ph  
pc: Superintendent Meyers

APPENDIX (F) (P1)  
with Attached  
Appeal to CAMPBELL.



IN THE DEPARTMENT OF CORRECTIONS  
CAMPHILL

RE: INMATE BRADFORD JOHNSON  
NUMBER DP-2967  
INSTITUTION S.C.I. ROCKVIEW  
GRIEVANCE NUMBER ROC0588-99

ADMINISTRATIVE APPEAL/GRIEVANCE

TO CHIEF COUNSEL:

STATEMENT OF FACT

1. Inmate Johnson filed a Grievance in the above number, asserting being subject to second hand smoke on the non-smoking block here at S.C.I. Rockview, assigned as Building (B/A).
2. With a degree of specificity, it was complained that unit management (Officer's assigned to block) permitted their picks to smoke in their cell and they would not enforce the non-smoking rule. Secondly, Both First Shift Sgt Rodriguez, and Second Shift SGT Steward smoke at the control station, being alerted when a white shirt is entering the block.
3. It was stated that names should be provided, however, there is code in prison that no inmate shall snitch sort of speak on another. Therefore, names of those inmates who do smoke cannot be provided.
4. Moreover, the inmates are controlled by staff, that should have been crux of concern. If an Officer does not enforce the rule and SGT's are actually smoking, no inmate or unit staff will pay attention to the non-smoking rule.
5. The answer provided by the Grievance coordinator and the Superintendent were the Unit manager will correct the problem. To date, the smoking continues by staff and inmates. The vents are not turned on at any time to clear the air,

(f 2)

rather its dry heat with no follow up with fresh air as required by law.

#### ACTUAL HEALTH RISK

The Surgeon General has determined that second hand smoke is the most deadly smoke to a non-smoker.

At this institution, Block (B/A) has been classified as a non-smoking block. With therefore, prohibits the use of any tobacco product from being used. There are posted signs, no smoking, and clearly the reason I have requested to remain on this block, is because it was designated non-smoking.

Since no rule is enforced, it is now a health risk to myself and the others who do not smoke. As for SGT's smoking, that is akin to leaving the fox in charge of the hens coop, knowing they would sympathize with those who do smoke.

At this juncture, I have difficulty breathing the smoke filled air and the smell from the smoke is quite foul.

Ironically, all answers to my complaint's admit there is a problem, and state it will be corrected. However, not to appear as repetitive, the problem has been left unresolved. Not to speculate, however, if the Unit Manager inquires with staff as to whether they smoke, and they reply in the negative, does this resolve the issue. Reasonably it would not.

The hazardous conditions to health here a serious problem in which the policy regulation is not enforced, has created health problems to myself, cause my clothing to be saturated with nicotine and whites to turn a yellowish color.

In light of this situation the Department of Correction has not corrected the problem, as if there exist no policy regulation to enforce.

Clearly, may be the policing of the policy needs to be enforced by those not assigned as unit management to B/A and resolved by those in command who will not allow smoke screens an as a cure.

WHEREFORE, it is respectfully suggested that an internal investigation be completed by a independent committee.

Respectfully submitted,

Bradford Johnson PO-2967

DC-135A

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS

## INMATE'S REQUEST TO STAFF MEMBER

## INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

1. TO: (NAME AND TITLE OF OFFICER) <i>Sgt. Rushwana</i>		2. DATE <i>10-24-99</i>
3. BY: (INSTITUTIONAL NAME AND NUMBER) <i>Bradford Johnson RP-2967</i>		4. COUNSELOR'S NAME <i>D. Palmer</i>
5. WORK ASSIGNMENT <i>CNre</i>	6. QUARTERS ASSIGNMENT <i>DA</i>	
7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS. <i>Sgt. Rushwana, this block appears have taken a serious matter and have turned it into a joke. Even as far as the Deputy Superintendent walking through the block acknowledging the fact that the smoking has to stop. Since the administration can not control it's officers, I am advising you, I cannot continue to breathe the polluted air, there are federal and state laws to support my claims, not to mention health codes and scientific facts. Camp Hill has upheld my claims, sorry, it's time to consult the lawyers. Thank you Sgt. for your help in my struggle.</i>		
8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)		

*Bradford,*

*I TOLD YOU THIS WOULD BE TAKEN CARE OF. SORRY!! I am NOT WELL PLEASED THE PROBLEM STILL EXISTS. I am sending A COPY OF THIS TO UNIT MANAGER KENSTETER. BOTH Deputies, BOTH Majors AND THE Superintendent.*

*PLEASE let me know IF THIS GETS TAKEN CARE OF.*

☐ TO DC-14 CAR ONLY☐ TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER

DATE

*10-25-99*